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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,152	01/29/2004	Wayne M. Hector	P-11121.00	4631

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EXAMINER

BUSTAMANTE, ERIK J

ART UNIT	PAPER NUMBER
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3766

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,152

Applicant(s)

HECTOR, WAYNE M.

Examiner

Erik J. Bustamante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 8, 9 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 11/3/06 has been received and considered. By this amendment claim 4 has been amended, claim 16 has been added and claims 1-16 are still pending.

Drawings

2. The drawings were received on 11/3/06. In view of the applicant's modification to Figs 1-3, the Examiner is withdrawing the objection, made against the drawings in the previous action.

3. The replacement drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tool for insertion of the lead retention element with an aligning flow passage must be shown as well as the method of insertion (examiner recommends a flow chart if applicant is pressed for time) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

4. Applicant's arguments, filed 11/3/06, with respect to claims 1-3,5-7,10-15 have been fully considered and are persuasive. The rejection of record has been withdrawn.
5. Applicant's arguments with respect to claims 1-3,5-7,10-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

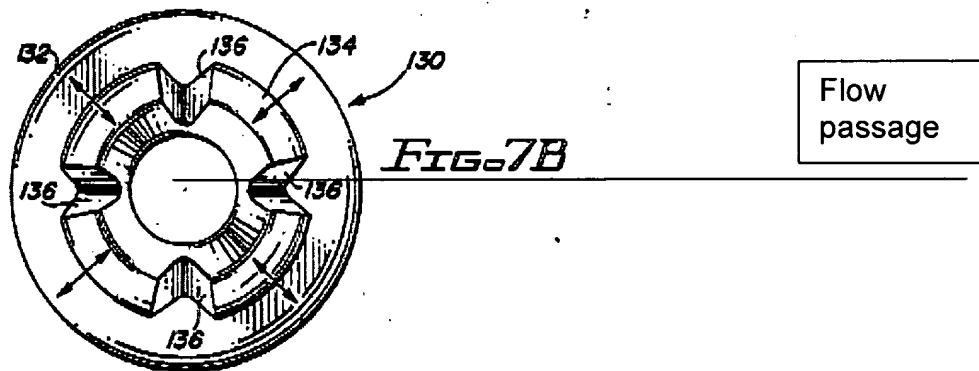
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by TRUEX (4,934,366).

Regarding claims 1 and 10, TRUEX discloses a connector module (Fig 6A) including a sidewall (76) and a connector bore (72'), a lead retention element

(130), extending through an opening in the sidewall (Fig 7C-D), and a fluid passage (see below).



8. Claims 1-2 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by KINNEY et al (4,262,673).

Regarding claims 1 and 10, KINNEY discloses a connector module (1) including a sidewall (11) and a connector bore (35), a lead retention element (45), the examiner is interpreting the threaded bore to be a lead retention element since it plays a role in retention of the lead, extending through an opening in the sidewall (Fig 2), and a fluid passage (49).

Regarding claims 2 and 11, KINNEY discloses a cap for preventing the ingress of fluids (Col 4 lines 36-39).

Claim Rejections - 35 USC § 103

9. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KINNEY as applied to claims 2 and 11 above, and further in view of WEIJDEN (2004/0215282 A1).

Regarding claims 3 and 12, KINNEY discloses the claimed invention essentially as described above. However, KINNEY does not disclose a seal capable of allowing the egress of fluid. WEIJDEN teaches a seal (27) with a slit (28) that opens up upon insertion of a tool and therefore would inherently allow air to escape out (paragraph 27). WEIJDEN teaches that by using this plug element "the need for an adhesive or silicone seal" would be eliminated and the process of connecting a lead would be simplified (paragraph 8).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the device of KINNEY with the plug of WEIJDEN for the purpose of simplifying the connection process of a lead and eliminating the need for an adhesive/silicone seal.

10. Claims 1,5,6,10,13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over RIES (2005/0131481 A1).

Regarding claims 1,5,6,10,13, and 14, RIES discloses a connector module (106) including a sidewall (110) and a connector bore (112,114) to engage a medical lead and a set screw (160) extending through an opening (Fig 2,3). A flow passage (170) formed as a bore extending through the set screw (paragraphs 82 and 83). However, while RIES does not specifically disclose that the flow passage is in fluid communication, the examiner takes the position that it would be obvious to one of ordinary skill that the flow passage (170) would be in fluid communication with a connector bore since RIES discloses a ring stop (174) from preventing an insertion tool from extending all the way through the screw

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and therefore removal of ring stop (174) would be an obvious modification of set screw (160).

Allowable Subject Matter

11. Claims 4,8,9, and 16 are allowed.
12. The following is an examiner's statement of reasons for allowance: the prior art does not disclose nor teach a tool for the insertion of a lead retention element containing a flow passage in fluid communication with a flow passage of the lead retention element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

13. Claims 7 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik J. Bustamante whose telephone number is 571-272-8820. The examiner can normally be reached on Mon-Fri (7:30 - 11:30 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erik J Bustamante
Examiner
Art Unit 3766



Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3766

EJB